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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/343,762 11/21/94 LAURSEN

A 66331.P002

EXAMINER

E3M1/1212

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SHIN G ART UNIT PAPER NUMBER

2317

DATE MAILED: 12/12/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 9-23-96 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 5-18 are pending in the application.
Of the above, claims 14-18 are withdrawn from consideration.
2. ☒ Claims 1-4 have been cancelled.
3. ☒ Claims 12 ^{is} ~~are~~ allowed.
4. ☒ Claims 5-11 & 13 are rejected.
5. ☐ Claims are objected to.
6. ☐ Claims are subject to restriction or election requirement.
7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____ Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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DETAILED ACTION

1. The Amendment received September 23, 1996 has been entered and carefully considered. Claims 1-4 have been canceled and claims 5-18 are pending in the application. However, the claims 14-18 are withdrawn from consideration for the following reasons.

Original Presentation

2. Newly submitted claims 14-18 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The newly submitted invention/claims 14-18 discloses method and apparatus transporting and **concurrently/repeatedly accessing** data that are distinctively and are significantly different and not disclosed from the originally elected claims.

Since the applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 17-28 (17-26) withdrawn from consideration as being directed to a non-elected invention. See 37 C.F.R. § 1.142(b) and M.P.E.P. § 821.03.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would

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have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-11 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinreb et al. (5,426,747).

i. Weinreb teaches the claimed invention as follows:

Claims 8-11

Weinreb

- | | |
|------------------------------|--|
| - client/server on a network | - feature of (40,42,44,46) |
| - issuing step | - feature of col2, lines 42-49 |
| - obtaining step | - feature of col 3, lines 10-14, figure 16 |
| - allocating step | - feature of figure 16-18 |
| - updating a connection step | - feature of col 10, lines 44-59 |

ii. Difference between the claimed invention and the teachings of the Weinreb reference is that the reference does not expressly disclose the same environment (i.e., multimedia data environment & address/data type); however, such difference is well known design choice matter in a data transporting or communication art. This is because, firstly, the Weinreb's data communication is a typically well known and commonly practiced in the art; as a result, one skilled artisan can easily recognize the technique utilized in a different environment such as multimedia data environment. Secondly, the data transportation/communication is the most basic & necessary function in the network system. Without the data communication/transportation, the network does not exist/function; as a result, one skilled artisan can easily be

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motivated to utilize the well-known communication technique such as Weinreb's technique. Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art to choose the Weinreb's transportation/communication technique in the claimed system for the reasons stated above.

iii. As for claim 13, the limitation of using Remote Procedure Call (RPC) is also common practice in the art of Network communication; therefore, it is also obvious from the teachings of the Weinreb. Support for the well-known teachings (i.e., RPC) can be easily found in the Examiner's Cited References. Also, the Examiner takes Official Notice on such well known teachings.

iv. As for claims 5-7, due to the similarity between the claims, the teachings of the claims 8-11 are similarly applied.

Allowable Subject Matter

5. Claim 12 is allowable over the prior art of record.

Conclusion

6. Applicants' arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Shin whose telephone number is (703) 305-9658. The examiner can normally be reached on Monday - Thursday from 7:00 AM to 4:00 PM. The Fax phone number for this Group is (703) 308- 5359 or 5358. A courtesy phone call after a Fax communication is greatly appreciated.

Christopher B. Shin
December 5, 1996

Christopher B. Shin

**PRIMARY EXAMINER
ART UNIT 2317**

